

Notice of Rulemaking Hearing
The Tennessee Department of Human Services
Division of Family Assistance

There will be a hearing before the Tennessee Department of Human Services to consider the promulgation of new rules pursuant to Tennessee Code Annotated §§ 4-5-201 et seq. and 71-1-105(12). The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, § 4-5-204 and will take place in the 2nd Floor BoardRoom, Citizens Plaza Building, 400 Deaderick Street, Nashville, Tennessee at 2:30 p.m. CST on October 19, 2004.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Human Services to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Department of Human Services to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department of Human Services' ADA Coordinator, Fran McKinney, at Citizens Plaza Building, 400 Deaderick Street, 3rd Floor, Nashville, Tennessee 37248, telephone number (615) 313-5563 (TTY)-(800) 270-1349.

For a copy of the proposed rule contact: Phyllis Simpson, Assistant General Counsel, Department of Human Services, Citizens Plaza Building, 400 Deaderick Street, 15th Floor, Nashville, TN 37248, telephone number (615) 313-4731.

Substance of Proposed Rules
of
The Tennessee Department of Human Services
Family Assistance Division

Chapter 1240-1-9
Transitional Food Stamp Eligibility

New Rules

Chapter 1240-1-9 Reserved for Future Use, is amended to designate the Chapter as "Transitional Food Stamp Eligibility" and by adding the following new rule sections, so that, as amended, the new Chapter shall read as follows:

Chapter 1240-1-9
Transitional Food Stamp Eligibility

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1240-1-9-.01 Eligibility Requirements

- (1) A Families First group with earnings whose case is closed because their income exceeds the Families First income standards may be eligible for five (5) months of Transitional Food Stamps (TFS) if they are part of a currently certified food stamp case.
 - (a) The Families First closure may be because of new or increased earnings, or because another circumstance occurred in the case which caused existing earnings (with or without other income) to exceed the Families First income standard.
- (2) Transitional benefits begin the first month following closure of the Families First case, or as soon as is administratively feasible, and continue for a maximum of five (5) months.
- (3) A household member who leaves the Transitional Food Stamp household during receipt of TFS benefits must re-apply for regular food stamp benefits in order to re-gain food stamp eligibility. He/she may not continue to receive Transitional Food Stamp benefits in a separate household.
- (4) Transitional benefits continue throughout the five-month period unless the household re-applies and is approved for Families First or re-applies for regular food stamp benefits.
- (5) Only eligible food stamp household members are eligible for Transitional Food Stamps; i.e., ineligible or disqualified individuals are not eligible for TFS.
- (6) All food stamp household members do not have to have been receiving Families First to be eligible for transitional benefits. However, if there is an open Families First case remaining within the food stamp household, the food stamp household is not eligible for Transitional Food Stamps.

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105, 71-3-154 and 71-5-304; 7 C.F.R. § 273.12(f)(4); 7 U.S.C.A. §§ 2012(c), 2015(c) and 2020(s); 42 U.S.C.A. § 601 et seq.; P. L. 107-171 § 4115; and 69 Federal Register 20724 and 20728, April 16, 2004.

1240-1-9-02 Determining the Transitional Food Stamp Benefit

- (1) Determine the Transitional Food Stamp allotment by using the earned and unearned income that was in the food stamp budget prior to Families First closure and removing the Families First grant from the computation.
- (2) Assign the household a new certification period that conforms with the five-month transitional period.

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105, 71-3-154 and 71-5-304; 7 C.F.R. § 273.12(f)(4); 7 U.S.C.A. §§ 2012(c), 2015(c) and 2020(s); 42 U.S.C.A. § 601 et seq.; P. L. 107-171 § 4115; and 69 Federal Register 20724 and 20728, April 16, 2004.

1240-1-9-03 Changes

- (1) A Transitional Food Stamp household is not required to report changes during the five-month period unless a household member leaves the household and applies for food stamps in another household.
- (2) The TFS household may apply to be re-certified for the regular Food Stamp Program at any time while receiving Transitional Food Stamps.
- (3) A TFS household that wishes to increase the level of food stamp benefits because of changes that have occurred must re-apply for re-certification through the regular Food Stamp Program. This includes changes such as an increase or decrease in household size or loss of earnings or other income.
- (4) The Transitional Food Stamp household is not required to report any changes in household circumstances to the worker during the five (5) months of TFS.
 - (a) No action should be taken on the Transitional Food Stamp case unless the recipient requests case closure or re-applies for food stamps in the regular program and is approved, or applies for Families First and is approved.
 - (b) Any reported change would be applied to the regular food stamp benefits following the TFS period, when a new food stamp certification period is authorized.
 - (c) If a household member is disqualified for an Intentional Program Violation during the TFS period, the disqualification must be imposed on the individual and the benefits adjusted accordingly.
 - (d) Allotment reduction must be applied if a claim is established.

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105, 71-3-154 and 71-5-304; 7 C.F.R. § 273.12(f)(4) and 7 C.F.R. 273.18(g); 7 U.S.C.A. §§ 2012(c), 2015(c) and 2020(s); 42 U.S.C.A. § 601 et seq.; P.L. 107-171 § 4115; and 69 Federal Register 20724 and 20728, April 16, 2004.

1240-1-9-.04 Re-certification for Regular Food Stamp Benefits

- (1) A household may apply for the regular Food Stamp Program at any time during the TFS period.
 - (a) If a household applies for re-certification during the transitional period but does not follow through with the application or is determined to be ineligible for the regular Food Stamp Program, transitional benefits should be continued for the remainder of the five-month period.
 1. If the household applies for regular benefits during the transitional period and is determined eligible but is entitled to a benefit amount lower than its transitional benefit, the household should be encouraged to withdraw its application and continue to receive transitional benefits.
 2. If the household chooses not to withdraw its application, the re-certification process should be completed and the lower benefit authorized beginning with the first month of the new certification period.
 - (b) If the household applies for the regular Food Stamp Program and is found eligible for benefits higher than its transitional benefits and the TFS benefits have already been issued for the first month of regular Food Stamp eligibility, the worker should authorize the approval and issue the household a supplement for the difference.

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105, 71-3-154 and 71-5-304; 7 C.F.R. § 273.12(f)(4); 7 U.S.C.A. §§ 2012(c), 2015(c) and 2020(s); 42 U.S.C.A. § 601 et seq.; P.L. 107-171 § 4115; and 69 Federal Register 20724 and 20728, April 16, 2004.

Rule 1240-1-9-.05 Ending Transitional Food Stamp Benefits

- (1) Transitional Food Stamp households will be sent an appointment notice for re-certification the month before the end of the five-month certification period.
- (2) If a household does not respond to the appointment notice, the TFS certification will expire and the case will be automatically closed.

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105, 71-3-154 and 71-5-304; 7 C.F.R. § 273.12(f)(4); 7 U.S.C.A. §§ 2012(c), 2015(c) and 2020(s); 42 U.S.C.A. § 601 et seq.; P.L. 107-171 § 4115; and 69 Federal Register 20724 and 20728, April 16, 2004.

Legal Contact and/or party who will approve final copy:

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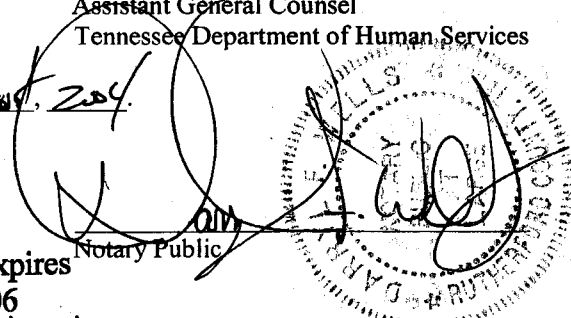
Darryl F. Wells
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I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Department of Human Services.



Phyllis A. Simpson
Assistant General Counsel
Tennessee Department of Human Services

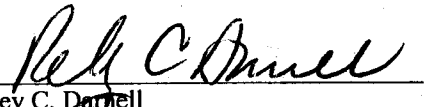
Subscribed and sworn to before me this 25th day of Aug, 2004.



My Commission Expires

My commission expires on the August 20, 2006 day of Aug.

The notice of rulemaking set out herein was properly filed in the Department of State on the 26 day of Aug, 2004.



Riley C. Darnell
Secretary of State

By: 

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SECRETARY OF STATE
PHILLIP H. BURG